

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
November 4, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., November 4, 2002, in the Board of Supervisors' Conference Room, Tenth Floor, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Max W. Wilson. Absent: Andy Kunasek and Mary Rose Wilcox. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Executive Assistant; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

RICHARD MEESE SETTLEMENT AGREEMENT

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (3-0-2) to approve the Settlement Agreement between Maricopa County and Richard Meese and related persons and entities. Also approve an amendment to the current five-year CIP for Fund 435—County Improvement Fund (adopted by the Board on June 17, 2002) adding the following new project: Land Acquisition near Lake Pleasant Regional Park. Further approve the transfer of \$950,000 in FY 2002-2003 (year 1) from the Fund 435 project reserve to FY 2002-2003 (year 1) of the Land Acquisition project near Lake Pleasant Regional Park. The requested action results in a net zero impact to the current five-year CIP. (Discussed in Executive Sessions on October 15 and 16, 2002.) (C30030061) (ADM409) (ADM3200)

DISCUSSION: PRESENTATION REGARDING STATUS OF BIO-TERRORISM SURVEILLANCE IN MARICOPA COUNTY

Item: Status of Bio-Terrorism Surveillance in Maricopa County. The presentation will cover bio-terrorism concerns and how the department of Public Health will use allocated monies to address those concerns. (C8603080M) (ADM2150)

Dr. Jonathan Weisbuch, M.D., Chief Health Services Officer and Director of Public Health, first commented on the Peoria water emergency situation, which is in the course of being settled. He said that the kind of community support exhibited for the several weeks encompassing the scare illustrates the type of support that would be needed in the event of a major bio-terrorist attack in the County. He indicated that it had given a heads-up to agencies and citizens and awakened recognition of the importance of readiness throughout the valley. He reminded all that anthrax has already been used in this country in acts of terrorism and that smallpox was an additional and growing threat. He said that it is not inconceivable that smallpox could appear in Maricopa County and that it is easily spread in populations of more than 200,000. Smallpox is the most deadly virus known to man. It has a two to three week incubation period during which time it could become dangerously rampant before anyone realized what was happening. He indicated that while its use may not be probable, smallpox would be a bioterrorist weapon with appalling consequences.

Chairman Stapley said he understood that smallpox had been eradicated as a disease and for it to appear again it would have to be deliberately introduced as an act of terrorism.

Dr. Weisbuch agreed and said that the smallpox virus only affects humans, and after a concentrated and dedicated worldwide effort it was finally eradicated from the planet by 1980. Unfortunately repositories of the live virus were kept in Russia and at the CDC (Center for Disease Control) in a highly guarded, deep-freeze situation for scientific purposes and with the understanding that it would never be used against humanity. However, irrefutable evidence today shows that these viral samples have been experimented with in Russia and is alleged to have been tested in the Pacific in the 1990s in a new type of multiple warhead as a biological weapon for mass destruction. The evidence is that other nations have obtained

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some of the Russian virus and are also perfecting live virus weapons. He urged the Board to read a new novel, THE DEMON IN THE FREEZER by Richard Preston to learn the true significance of this highly infectious and dangerous disease and the consequence of it's ever being used as a weapon against humanity. He gave each Supervisor a copy of this book.

Dr. Larry Sands, D.O., Director of the Bio-Defense Preparedness and Response Division of the Public Health Department, reported on what that department is doing to prepare for an emergency attack employing bioterrorism weapons by developing bio-Defense Preparedness and Response methods. He said that for the County to successfully prepare it is necessary to have a highly developed, well-maintained and supported public health system. This system must have a comprehensive and regularly exercised plan and an actively integrated method of communication with other existing community emergency management systems. He said this has to be designed to work effectively in a low or moderate level event as well as for a major emergency situation. He named several identified nations regarded as risk sources around the world and the emerging plans to counteract chemical and biological attacks should they employ them. He said that a chemical attack would dissipate fairly quickly and involve only a limited area. On the other hand, a biological attack could spread rapidly throughout the population and cover vast areas in relatively short periods of time, and these would have a much longer time frame.

Dr. Sands listed events citing the prolonged historical uses of biological terrorism which dates back to the 1300's when bodies of those who died from the plague were catapulted over besieged walls to infect an opposing populace, through the American Revolution when Indians were given handkerchiefs and blankets from smallpox victims by the British, to the recent anthrax attacks on the east coast and the sniper shootings in and around Washington D.C. in October 2002. He said that even in areas where there is no danger of exposure anxiety levels are shown to rise dramatically and hospitals all over the country have been deluged with people who were suffering from fear, but a very real fear that incapacitated them. He indicated this was a real danger with an actual attack because those who really need to be hospitalized could be overlooked in the mass of hysteria. He stated that triage teams need to be trained to help overcome this problem.

Dr. Sands reported on the emerging diseases of concern throughout the world including lyme disease, aids, e-coli, west Nile virus, hanta virus, Legionnaire's disease, resistance to TB and invasive group A streptococcus. He also listed past disease outbreaks in Maricopa County that are included on lists of public health emergencies, including measles in 1989 and 1991; meningococcal meningitis in 1993; acute GI illness in 1995; syphilis rubella in 1997, hepatitis A and an anthrax hoax in 1998 and S. muenchen and rubella in 1999. He also included the suspected water-related deaths of three valley residents in July and October 2002. He next reported on various kinds of response systems and focus areas available, or soon to be available, in the County and the CDC (Center for Disease Control) allocations of funds in the County for bioterrorism uses. He indicated that communication between systems and hospitals is vital and new ways of doing this need to be explored.

Dr. Sands listed issues the Board may wish to consider starting with a designation of emergency authority and the role of the Board of Supervisors in a surprise event; recent state bioterrorism legislation; the role of Maricopa Medical Center in a biological emergency and the determination of a response to smallpox. Smallpox is so deadly and spreads so easily and so fast that more than 5,000 people could be infected daily in heavily populated areas. This would overwhelm medical authorities and facilities. He said it was important that a determination be made on whether or not to try to vaccinate for future protection and to train people to respond to the public on why some will be vaccinated before others and why some may not get vaccinated at all.

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Discussion ensued on antibiotic shortages and drug availability for anthrax and other diseases and the situation for obtaining supplies that would protect County residents, especially supplies of countermeasure drugs that might also be in demand from other cities and states. Also asked was how prepared Arizona is in comparison to the eastern coastal states already attacked. Dr. Weisbuch said that the staff in the Department of Public Health is extremely competent and he believes they are well able to handle various kinds of emergencies even though there have only been relatively small incidents that have occurred in the County to date. Information was shared between centers during those events and this experience will be helpful in any large emergency. Some discussion was held on the Peoria deaths that allegedly happened from contaminated water, the response to the situation by professionals and volunteers and the rapid containment that resulted.

Dr. Weisbuch said that Maricopa County Public Health does not have a good way to communicate quickly with medical providers and hospitals. He said that the hospitals and the hospital association are very resistant about sharing information with Public Health and a rapport needs to be built so that information comes to the department on a regular and ongoing basis to relate anything that might be "happening" in the hospitals. Otherwise a potential public health emergency could be missed and a contagious disease allowed to propagate and spread to epidemic proportions before proper controls can be started. He said that this reluctance to work with the County or with Maricopa Medical Center has got to stop and asked for help from the Board and the public in getting it turned around.

He also said that the State of Arizona received \$16M to be used for public health last year and of that amount Maricopa County Public Health Department received \$3M or about \$1 for each person. The state kept approximately \$8M after disbursing several million dollars to the other counties. He said, "The problem is the difficulty in spending that money as rapidly as Congress wants it done. It's been very difficult." He said he recently has learned that 97.5% of the money the CDC has received designated by Congress for distribution to the states for emergency training is "still sitting at the CDC." They wait until they receive a bill for expenditures instead of allocating monies to governments to spend for equipment and training programs so a strong infrastructure can be built. He said, "Government just isn't equipped to move as quickly as Congress wants things to move."

Supervisor Wilson said, "The dissemination of the information that we had over in Peoria has been a catastrophe. I know what I said, I know what they heard and I know what I saw in the newspapers!" He believes that the County needs to reinforce its credibility with the public by increasing its capabilities and getting the correct information released through the media.

Chairman Stapley agreed and said that this is a matter of vital concern to all residents and it is important for the Board to continue this dialogue, to promote the work being done, and to see that the information is disseminated to the public. He asked Dr. Weisbuch to come back in six months to update the Board on the progress made from the Public Health point-of-view.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated November 4, 2002, as follows.

EXECUTIVE SESSION AGENDA

LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

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Compromise Cases – Melanie Barry, Ana Cano, Maria Castrejon, Maudie Downer, Jesus ernandez, Ornail Hunt, Irving Lassiter, Juanita Ponce, Jose Rodriquez, Taryn Selck, Tearsin Shumway. Barbara Caldwell, Outside Counsel

Write-off Cases – Rachel Alvarez.
Barbara Caldwell, Outside Counsel

In Re: Protest of Maricopa Treasurer, OAH Case No. 02C-0001-UCP-Res
April Theis, Deputy County Attorney, Division of County Counsel
Rick Garnett, Deputy County Attorney, Division of County Counsel
Doug Todd, or designee, Treasurer

Maricopa County v. State Board of Equalization; Sade, Paul/Eleanor, Smiths Food & Drug; G.B. Investment; Beep-C; Saint Lawrence Holding Co.
William Knopf, Deputy County Attorney, Division of County Counsel
John Helm, Attorney at Law

PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(4)

Mayo Clinic Arizona v. Maricopa County, TX 2001-000619
William Knopf, Deputy County Attorney, Division of County Counsel
April Theis, Deputy County Attorney, Division of County Counsel

Aida Renta v. Maricopa County CV 96-016474
William S. Knopf, Deputy County Attorney, Division of County Counsel
Roberta Livesay, Helm & Kyle

Maricopa County v. Sterling Truck Corporation, et al.
Rick Garnett, Deputy County Attorney, Division of County Counsel
Peter Crowley, Risk Manager
Joseph Campbell, Claims Manager
Francis D. Donnelly, Claims Adjuster

4501 Northpoint L.P. v. Maricopa County; TX 1999-000408
Elizabeth Yaquinto, Deputy County Attorney, Division of County Counsel

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Don Stapley, Chairman of the Board

ATTEST:

Norma Risch, Deputy Clerk of the Board